S.B. Civil Writ Petition No.6191/97.

5.02.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. Rajendra Soni for petitioner.
Mr. Basant Chhaba, Dy.GA for state.

In this writ petition the petitioner has come against the order dated 28th October, 1997 whereby the recognition granted to their shop for the purpose purchase of medicines by those eligible for benefits under the Rajasthan Pensioners Medical Concession Rules, was cancelled. The grievance of the petitioner is neither was he afforded opportunity of hearing nor the order dated 28th October, 1997 contain any reasons for cancellation thereof. He also questioned the authority of the secretary, Rajasthan Pensioners Medical

Concession Scheme, Alwar. During the course of hearing, it transpired that after the cancellation of the recognition granted to the petitioner, the respondents simultaneously issued a fresh notice invited tender in local newspaper on 17th September 1997 for granting the similar recognition to another shop on commission basis. The grievance of the petitioner with regard to this notice is that the said newspaper did not have wide circulation in the area and fresh notice was intended to benefit certain individual shop owners.

This writ petition has remained pending for last almost decade. No developments subsequent to the invitation of fresh tenders have been brought on record nor has any such fresh recognition been questioned in the present writ

petition. In the facts of the case, when the respondents have proceeded to grant fresh recognition almost around the same time when the petition was filed, I do not deem it to be an appropriate case where this Court should interfere particularly when the matter involves only recognition of the shop for purchase of medicine on concessional rates for pensioners and not for the cancellation of drug licence.

In the circumstance, the writ petition is dismissed with no order as to costs.

(Mohammad Rafiq),J.

At/-